**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**CIVIL APPLICATION NO.299 OF 2005**
**IN**
**WRIT PETITION NO.129 OF 2005**

Ashok Babulal Chouhan ..Applicant.

V/s.

The Commissioner of Income Tax & Ors. ..Respondent.

Mr.M.K.Kulkarni for the applicant.
Mr.A.S.Rao for the respondents.

**CORAM: S.RADHAKRISHNAN &**
**J.P.DEVADHAR, JJ.**

**DATED: 8TH FEBRUARY, 2005.**

**P.C. :-**

1. Rule. Rule returnable forthwith.

2. The learned counsel for the respondents waives service.

3. Heard the learned counsel for the applicant and the respondents.

4. By this Civil Application, the applicant is seeking recall of our order dated 25/1/2005 of dismissal of Writ Petition No.129 of 2005 wherein the petition was dismissed in default. Perused the application. There is no case of inaction, negligence and want of bonafide on the part of the applicant. Civil Application is made absolute in terms of prayer clause (a) & (b).

5. The above Writ Petition be placed on board for admission on 22nd February, 2005.

**(S.RADHAKRISHNAN, J.)**

**(J.P.DEVADHAR, J.)**